United Nations A/63/PV.39

General Assembly

Sixty-third session

Official Records

39th plenary meeting
Thursday, 6 November 2008, 10 a.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

The meeting was called to order at 10.15 a.m.

Agenda item 103 (*continued*)

Election to fill vacancies in principal organs

(c) Election of five members of the International Court of Justice

Memorandum by the Secretary-General (A/63/186)

List of candidates (A/63/187 and Add.1 and 2)

Curricula vitae (A/63/188)

The President (*spoke in Spanish*): This morning, the General Assembly will proceed to the election of five members of the International Court of Justice for a nine-year term of office commencing on 6 February 2009. The terms of office of the following judges expire on 5 February 2009: Mr. Ronny Abraham (France), Mr. Awn Shawkat Al-Khasawneh (Jordan), Ms. Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland), Mr. Gonzalo Parra-Aranguren (Bolivarian Republic of Venezuela) and Mr. Raymond Ranjeva (Madagascar).

In connection with the election, I should like to bring the following matters to the attention of the members of the General Assembly.

I should like to confirm that, at this time, the Security Council, independently of the General Assembly, is also proceeding to elect five members of the Court. That procedure is in accordance with Article 8 of the Statute of the Court, which provides that "The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court".

Accordingly, the results of the voting in the General Assembly will be communicated to the Security Council only when five candidates have obtained the required majority in the Assembly.

I should also like to draw the attention of the Assembly to the documents relating to the election. Document A/63/186 contains a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election. Documents A/63/187 and A/63/187/Add.1 contain the list of candidates nominated by national groups.

In that connection, the Legal Counsel has informed me that, after the established deadline for nominating candidates, the following additional submissions were received from several national groups, all of which relate to the candidates already nominated by other national groups appearing in documents A/63/187 and Add.1: Ronny Abraham (France) has been nominated also by the national groups of Italy, the Russian Federation and Uruguay; Awn Shawkat Al-Khasawneh (Jordan) has been nominated also by the national groups of Italy, Paraguay and Uruguay; Antônio Augusto Cançado Trindade (Brazil) has been nominated also by the national groups of Chile, El Salvador, Paraguay, Spain and Uruguay; Christopher Greenwood (United

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

08-59039 (E)

Kingdom of Great Britain and Northern Ireland) has been nominated also by the national groups of Italy and the Russian Federation; and Abdulqawi Ahmed Yusuf (Somalia) has been nominated also by the national groups of Italy and Uruguay.

I should also like to draw the attention of the Assembly to a note by the Secretary-General, contained in document A/63/187/Add.2, in which he indicates that the national group of Colombia decided to withdraw its nomination of Mr. Rafael Nieto-Navia as a candidate.

The Assembly also has before it document A/63/188, which contains the curricula vitae of the candidates nominated by the national groups.

In accordance with Article 10, paragraph 1, of the Statute of the Court, those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors in the General Assembly are all 192 Member States. Accordingly, for the present election, 97 votes constitute an absolute majority in the General Assembly.

Pursuant to rule 151 of the rules of procedure of the Assembly, if in the first ballot the number of candidates obtaining an absolute majority is less than five, a second ballot will be held and balloting will continue at the same meeting until five candidates have obtained the required majority.

At its 915th meeting, on 16 November 1960, the General Assembly decided that ballots shall be unrestricted. That decision has been followed consistently.

I should like to bring another matter to the attention of the General Assembly. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The same also occurred in the General Assembly, at the 44th plenary meeting of the sixtieth session, on 7 November 2005.

Both organs decided to hold a new ballot on all the candidates, and no notification to the President of the other organ was made until only the required number of candidates, and no more, had obtained an absolute majority.

May I take it that the General Assembly agrees to the same procedure should the case arise at this election?

It was so decided.

The President (*spoke in Spanish*): I should like to remind representatives that, pursuant to rule 88 of the rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

Any announcements, including those concerning withdrawals of candidatures, should therefore be made prior to the commencement of the voting process, that is to say, before the announcement of the beginning of the voting process.

We shall now begin the voting process. Ballot papers will now be distributed.

Representatives are requested to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible. Representatives will indicate the five candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mrs. Noni Ismi (Brunei Darussalam), Ms. Yuliana Georgieva (Bulgaria), Miss Sheree Chambers (Jamaica), Mr. Paul Ballantyne (New Zealand), Mr. Saidu Dodo (Nigeria) and Ms. Louise Ahlden (Sweden) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.35 a.m. and resumed at 12.15 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	191
Number of invalid ballots:	0
Number of valid ballots:	191

Abstentions:	0
Number of members voting:	191
Required absolute majority:	97
Number of votes obtained:	
Mr. Antônio Augusto Cançado Trindade (Brazil)	163
Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland)	157
Mr. Ronny Abraham (France)	152
Mr. Awn Shawkat Al-Khasawneh (Jordan)	151
Ms. Miriam Defensor-Santiago (Philippines)	106
Mr. Abdulqawi Ahmed Yusuf (Somalia)	92
Mr. Maurice Kamto (Cameroon)	81
Mr. Sayeman Bula-Bula (Democratic Republic of the Congo)	23

The following five candidates have obtained an absolute majority in the General Assembly: Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade, Ms. Miriam Defensor-Santiago and Mr. Christopher Greenwood.

I have communicated the result of the voting to the President of the Security Council.

I have also received a letter from the President of the Security Council, which reads:

(*spoke in Spanish*)

> "I have the honour to inform you that at the 6011th meeting of the Security Council, held on 6 November 2008, for the purpose of electing five members of the International Court of Justice for a term of office beginning on 6 February 2009, Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade, Mr. Christopher Greenwood and Mr. Abdulqawi Ahmed Yusuf obtained an absolute majority of votes."

(*spoke in English*)

As a result of the independent voting in the Security Council and in the General Assembly, the following four candidates have obtained an absolute majority in both organs: Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade and Mr. Christopher Greenwood. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing on 6 February 2009. I should like to take this opportunity to extend to them the congratulations of the Assembly on their election.

In accordance with the provisions of article 11 of the Statute of the Court, it will be necessary to hold another meeting to fill the remaining vacancy.

I propose that the present meeting should be adjourned and that the 40th meeting should be held immediately to vote on the remaining vacancy.

The meeting rose at 12.20 p.m.